

0185
DECISION



19874
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-205101

DATE: October 20, 1981

MATTER OF: Dandelion Enterprises

DIGEST:

Protest alleging that provision of solicitation restricted ability of protester to compete for contract is untimely where alleged impropriety was evident on face of solicitation and protest was not filed until after contract was awarded.

Dandelion Enterprises protests the award of a contract by the Forest Service, Sawtooth National Forest, under invitation for bids (IFB) No. 14R4-81-36. Dandelion contends that a clause in an amendment to the IFB, permitting prospective bidders to bid for the solicited items on an "all or none" basis, effectively restricted the ability of certain small businesses, including itself, to compete for the individual items in the IFB. We find the protest is untimely.

Under our Bid Protest Procedures, 4 C.F.R. § 21.2 (b)(1)(1981), protests based upon alleged improprieties in a solicitation, which are apparent prior to the closing date for receipt of proposals, must be filed prior to such date. In this case, Dandelion did not file its protest until after the contract was awarded.

Accordingly the protest is dismissed.

Harry R. Van Cleave
Harry R. Van Cleave
Acting General Counsel

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